

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MICHAEL L'HEUREUX,

Plaintiff,

vs.

BNSF RAILWAY COMPANY, a Delaware
corporation;

Defendant.

8:23CV327

**FINAL PROGRESSION ORDER
(AMENDED)**

IT IS ORDERED that Defendant BNSF Railway Company's unopposed motion to modify the final progression order, [Filing No. 26](#), is granted. The unexpired deadlines in the final progression order are amended as follows:

- 1) The trial and pretrial conference will not be set at this time. The status conference to discuss case progression, the parties' interest in settlement, and the trial and pretrial conference settings currently set for October 29, 2024 is continued and will be held with the undersigned magistrate judge on **March 11, 2025 at 11:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 2) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is January 17, 2025. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by February 11, 2025.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 3) The deadlines for complete expert disclosures¹ for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the defendant(s): November 29, 2024.

Plaintiff(s)' rebuttal: December 27, 2024.

- 4) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is March 7, 2025.
- 5) The deadline for filing motions to dismiss and motions for summary judgment is April 22, 2025.
- 6) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is April 22, 2025.
- 7) All other deadlines and provisions in the Court's prior progression orders not amended herein remain unchanged.

Dated this 9th day of August, 2024.

BY THE COURT:

s/ Jacqueline M. DeLuca

United States Magistrate Judge

¹ While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.